



# Victims and Prisoners Act 2024

## 2024 CHAPTER 21

### PART 4

#### PRISONERS

##### *Imprisonment or detention for public protection*

PROSPECTIVE

#### **66 Imprisonment or detention for public protection**

- (1) Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (life sentences) is amended as follows.
- (2) In section 31 (duration and conditions of licences)—
  - (a) in subsection (3), after paragraph (a) (but before the “or”) insert—

“(aa) in accordance with subsection (3A),”;
  - (b) after subsection (3) insert—

“(3A) The Secretary of State may include a condition in a life prisoner’s licence on release under [section 32ZZA](#).”
- (3) In section 31A (imprisonment or detention for public protection: termination of licences)—
  - (a) in subsection (2), in the words after paragraph (b), for “shall” substitute “must”;
  - (b) in subsection (3)—
    - (i) at the end of paragraph (a) insert “and”;
    - (ii) omit paragraph (c) and the “and” before it;
  - (c) for subsection (4) substitute—

“(4) Where a reference is made under subsection (3) above—

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Victims and Prisoners Act 2024, Section 66. (See end of Document for details)*

- (a) the Parole Board must direct the Secretary of State to make an order that the licence is to cease to have effect, unless [paragraph \(b\)](#) applies;
- (b) if the Parole Board is satisfied that it is necessary for the protection of the public that the licence should remain in force, it must dismiss the reference.”;
- (d) omit subsections (4A) to (4C) and insert—
- “(4D) The reference under subsection (3) must not be made, and a reference under that subsection must not be determined by the Parole Board under [subsection \(4\)](#), if at the time the reference or determination would otherwise be made the prisoner is in prison having been recalled under section 32.
- (4E) [Subsection \(4F\)](#) applies where—
- (a) but for [subsection \(4D\)](#), a reference of the prisoner’s case would have been made under subsection (3) or determined by the Parole Board under [subsection \(4\)](#),
- (b) the Secretary of State has referred the prisoner’s case to the Parole Board under section 28 or 32, and
- (c) the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.
- (4F) Where this subsection applies—
- (a) the Parole Board must direct the Secretary of State to release the prisoner unconditionally, unless [paragraph \(b\)](#) applies;
- (b) if the Parole Board is satisfied that it is necessary for the protection of the public for the prisoner, when released, to be released on licence in respect of the preventive sentence or sentences, it must not give a direction under [paragraph \(a\)](#).
- (4G) Where the Parole Board gives a direction under [subsection \(4F\)\(a\)](#)—
- (a) section 28(5) has effect in relation to the prisoner as if for “release him on licence” there were substituted “release the prisoner unconditionally”;
- (b) section 32(5) has effect in relation to the prisoner as if for “give effect to the direction” there were substituted “release the prisoner unconditionally”.
- (4H) Where—
- (a) the prisoner has been released on licence under this Chapter (whether or not the prisoner has subsequently been recalled to prison under section 32),
- (b) the qualifying period has expired, and
- (c) the prisoner’s licence has remained in force for a continuous period of two years—
- (i) beginning not before the qualifying period expired, and
- (ii) ending after the coming into force of [section 66\(3\)\(d\)](#) of the Victims and Prisoners Act 2024,
- the Secretary of State must order that the licence is to cease to have effect.”;

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- (e) in subsection (5)—
- (i) for the definition of “preventive sentence” substitute—
- ““preventive sentence” means—
- (a) a sentence of imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 (including one passed as a result of section 219 of the Armed Forces Act 2006), or
- (b) a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003 (including one passed as a result of section 221 of the Armed Forces Act 2006);”;
- (ii) in the definition of “the qualifying period”, for the words from “the period” to the end of the definition substitute “—
- (a) if the prisoner was not at any time in the period of two years beginning with the date of the prisoner’s release serving any preventive sentence in respect of an offence for which the prisoner was convicted when aged 18 or over, that two year period;
- (b) otherwise, the period of three years beginning with the date of the prisoner’s release.”;
- (f) after subsection (5) insert—
- “(6) The Secretary of State may by regulations made by statutory instrument amend subsection (5) to change the length of the qualifying period for the time being specified in paragraph (a) or (b) of the definition of “the qualifying period”.
- (7) A statutory instrument containing regulations under [subsection \(6\)](#) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
- (4) In section 32 (recall of life prisoners while on licence)—
- (a) after subsection (1) insert—
- “(1A) Subsection (1) does not apply in relation to a prisoner in respect of whom the Secretary of State is required to make an order under section 31A(2) or (4H) that the licence is to cease to have effect.”;
- (b) after subsection (5A) insert—
- “(5B) [Subsection \(5C\)](#) applies where the Secretary of State releases, under subsection (5) above, a prisoner to whom section 31A (termination of licences of preventive sentence prisoners) applies.
- (5C) The Secretary of State may determine that, for the purposes of paragraph (c) of section 31A(4H) (automatic licence termination), the prisoner’s licence is to be treated as having remained in force as if it had not been revoked under this section.
- (5D) The Secretary of State may only make a determination under [subsection \(5C\)](#) if the Secretary of State considers that it is in the interests of justice to do so.

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(5E) Where the Secretary of State makes a determination under [subsection \(5C\)](#), the Secretary of State must notify the prisoner.”

(5) After section 32 insert—

**“3ZZA Imprisonment or detention for public protection: powers in relation to release of recalled prisoners**

- (1) This section applies where a prisoner to whom section 31A (termination of licences of preventive sentence prisoners) applies—
  - (a) has been released on licence under this Chapter, and
  - (b) is recalled to prison under section 32.
- (2) The Secretary of State may, at any time after the prisoner is returned to prison, release the prisoner again on licence under this Chapter.
- (3) The Secretary of State must not release the prisoner under [subsection \(2\)](#) unless satisfied that it is no longer necessary for the protection of the public that the prisoner should remain in prison.
- (4) Where the prisoner is released under [subsection \(2\)](#), the Secretary of State may determine that, for the purposes of paragraph (c) of section 31A(4H) (automatic licence termination), the prisoner’s licence is to be treated as having remained in force as if it had not been revoked under section 32.
- (5) The Secretary of State may only make a determination under [subsection \(4\)](#) if the Secretary of State considers that it is in the interests of justice to do so.
- (6) Where the Secretary of State makes a determination under [subsection \(4\)](#), the Secretary of State must notify the prisoner.
- (7) In this section, “preventive sentence” means—
  - (a) a sentence of imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 (including one passed as a result of section 219 of the Armed Forces Act 2006), or
  - (b) a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003 (including one passed as a result of section 221 of the Armed Forces Act 2006).”

**Commencement Information**

**II** S. 66 not in force at Royal Assent, see [s. 81\(2\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Victims and Prisoners Act 2024, Section 66.